



Human Services Committee

**Filed: 3/17/2010**

09600HB5076ham001

LRB096 19115 RPM 37785 a

1 AMENDMENT TO HOUSE BILL 5076

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5076 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Health Statistics Act is amended  
5 by changing Section 5 as follows:

6 (410 ILCS 520/5) (from Ch. 111 1/2, par. 5605)

7 Sec. 5. (a) The Department may make no disclosure of any  
8 item, collection or grouping of health data which makes the  
9 individual supplying or described in such data identifiable  
10 unless:

11 (1) The individual described in the data has consented to  
12 the disclosure.

13 (2) The disclosure is to a governmental entity in this  
14 State, in another state or to the federal government, provided  
15 that:

16 (i) the data will be used for a purpose for which the data

1 was collected by the Department; and

2 (ii) the recipient of the data has entered into a written  
3 agreement satisfactory to the Department, that it will protect  
4 such data in accordance with the requirements of this Act and  
5 will not permit further disclosure without prior approval of  
6 the Department.

7 (3) The disclosure is to an individual or organization, for  
8 a specified time period determined by the Department, solely  
9 for bona fide research and statistical purposes, as determined  
10 in accordance with guidelines adopted by the Department, and  
11 the Department determines that: (i) the disclosures of the data  
12 to the requesting individual or organization is required for  
13 the research and statistical purposes proposed; and (ii) the  
14 requesting individual or organization has entered into a  
15 written agreement satisfactory to the Department that it will  
16 protect such data in accordance with the requirements of this  
17 Act and will not permit further disclosure without prior  
18 approval of the Department. In no event, however, may the name,  
19 address or other unique personal identifier of an individual  
20 supplying the data or described in it be disclosed under this  
21 subparagraph to the requesting individual or organization,  
22 unless a Department-approved Institutional Review Board or its  
23 equivalent on the protection of human subjects in research has  
24 reviewed and approved the data request.

25 (4) The disclosure is to a governmental entity for the  
26 purpose of conducting an audit, evaluation or investigation of

1 the Department and such governmental entity agrees not to use  
2 such data for making any determination to whom the health data  
3 relates.

4 (b) Any disclosure provided for in paragraph (a) of this  
5 Section shall be made at the discretion of the Department  
6 except that the disclosure provided for in subparagraph (4) of  
7 paragraph (a) of this Section must be made when the  
8 requirements of that subparagraph have been met.

9 (c) No identifiable health data obtained in the course of  
10 activities undertaken or supported under this Act shall be  
11 subject to subpoena or similar compulsory process in any civil  
12 or criminal, judicial, administrative or legislative  
13 proceeding, nor shall any individual or organization with  
14 lawful access to identifiable health data under the provisions  
15 of this Act be compelled to testify with regard to such health  
16 data, except that data pertaining to a party in litigation may  
17 be subject to subpoena or similar compulsory process in an  
18 action brought by or on behalf of such individual to enforce  
19 any liability arising under this Act.

20 (Source: P.A. 82-215.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."